

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

FONDA M. BAKER

CIVIL ACTION NO. 05-2038

-vs-

JUDGE DRELL

JOSEPH BORDELON, ET AL.

MAGISTRATE JUDGE KIRK

MEMORANDUM RULING

Before the Court is Defendants' motion for summary judgment (Doc. 28). In her response to Defendants' motion, Plaintiff conceded that none of the federal claims could be supported by evidence or proved, leaving only her state-law intentional infliction of emotional distress claim. (Doc. 35). Accordingly, all claims except the remaining state-law claim will be dismissed with prejudice. For the reasons discussed below, summary judgment is not appropriate on the intentional infliction of emotional distress claim.

Defendants' insistence that this remaining claim fails as a matter of law assumes that the parties are arguing from a shared understanding of the factual basis of this lawsuit. However, both parties tell different stories about why Plaintiff watched the videotape. Plaintiff alleges that she was compelled to watch the video of her minor child's description of sexual abuse as a condition precedent to the police department's further investigation of and arrest of the suspected abuser. Defendants maintain that Plaintiff voluntarily asked to watch the video and was permitted to do so. Resolution of this factual conflict is material to our analysis of the state-law claim subject to summary

judgment. Because there exist genuine questions of material fact, summary judgment is not appropriate on the only outstanding claim in this case—intentional infliction of emotional distress—and will not be granted.

A separate judgment to this effect will be signed.

SIGNED on this 22<sup>nd</sup> day of January, 2009, at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read "DEE D. DRELL".

DEE D. DRELL  
UNITED STATES DISTRICT JUDGE